

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>BURKE, WILLIAMS &amp; SORENSEN, LLP  Richard J. Reynolds (SBN 89911)  Rafael R. Garcia-Salgado (SBN 283230)  1851 E. First Street, Suite 1550  Santa Ana, CA 92705  Tel: 949-863-3363  Fax: 949-863-3350</p> <p><input type="checkbox"/> Individual <i>appearing without an attorney</i>  <input checked="" type="checkbox"/> Attorney for: Trinity Financial Services, LLC</p>	<p>FOR COURT USE ONLY</p>
<p align="center"><b>UNITED STATES BANKRUPTCY COURT  NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION</b></p>	
<p>In re:  FIDEL JUANITEZ LUGTU and LOURDES BONDOC LUGTU</p> <p align="right">Debtor(s)</p>	<p>CASE NO.: 17-43008  CHAPTER: 13</p> <hr/> <p><b>NOTICE OF LODGMENT OF ORDER IN  BANKRUPTCY CASE RE: <i>(title of motion<sup>1</sup>)</i>:</b>  MOTION FOR ORDER GRANTING RELIEF FROM THE  AUTOMATIC STAY</p>

PLEASE TAKE NOTE that the order titled ORDER FOR ADEQUATE PROTECTION

was lodged on (date) 09/25/18 and is attached. This order relates to the motion which is docket number 26.

<sup>1</sup> Please abbreviate if title cannot fit into text field.

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TRINITY FINANCIAL SERVICES, LLC

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re

FIDEL JUANITEZ LUGTU and  
LOURDES BONDOC LUGTU,

Debtors,

Case No. 17-43008-WJL

RS No.: RJR-2

Chapter Number: 13

**ORDER FOR ADEQUATE PROTECTION**

DATE: September 19, 2018

TIME: 9:30 a.m.

CTRM: 220

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A MOTION FOR RELIEF FROM THE AUTOMATIC STAY (the “Motion”) in this case having been filed by TRINITY FINANCIAL SERVICES, LLC (“Trinity”) and having been heard before the Honorable William J. Lafferty, United States Bankruptcy Judge, on September 19, 2018, Trinity appearing by and through its attorney Joel Moon, and the Debtors appearing through their attorney, Scott Johnson, and service having been made, the Court, having read the filings by the parties, hereby makes its Order as follows:

IT IS HEREBY ORDERED THAT with respect to the real property commonly known as 37004 Arden Street, Newark, CA 94560 (the “Property”), and more fully described as follows:

1 All that certain real property in the County of Alameda, State of  
2 California, described as follows:

3 Parcel 1:

4 Lot 3, as said Lot is shown on the Map of "Zorn' Addition, Newark,  
5 Alameda County, California", filed February 9, 1927, in Book 7 of  
6 Maps, at Page 41, in the Office of the County Recorder of Alameda.

7 Parcel 2:

8 Beginning at the most Northern corner of Lot 3, as said lot is shown on  
9 the Map of Zorns' Addition, Newark, Alameda County, California",  
10 filed February 9, 1927, in Book 7 of Maps, at Page 41, in the Office of  
11 the County Recorder of Alameda County; running thence North 27' 10"  
12 East 11.27 feet; thence South 61' 15" East 60.01 feet; thence South 27'  
13 01" West 12.01 feet to the most Eastern corner of said Lot 3; thence  
14 along the Northeastern line of said Lot 5 North 60' 30" West 50.03 feet  
15 to the point of beginning.

16 Being a portion of that certain parcel of land conveyed to Marie  
17 Zorns by Deed dated October 4, 1926, recorded February 9, 1927,  
18 in Book 1543 of Official Records of Alameda County, at Page 24

19 the automatic stay of 11 U.S.C. § 362 remains in effect subject to the following conditions:

20 The Debtors must tender twelve (12) regular post-petition monthly payments in the  
21 amount of \$434.18 to Trinity on a timely basis, commencing October 2018 and continuing  
22 thereafter through and including September 2019;

23 The Debtors are also to maintain as current their monthly arrearage payments on Trinity's claim  
24 payable under their confirmed Chapter 13 plan; AND

25 The Debtors must make eleven additional monthly payments of \$257.41 and one additional  
26 monthly payment of \$257.42, for a total of twelve additional monthly payments (payable at the same  
27 time as their regular post-petition monthly payments), in order to cure their post-petition default of  
28 \$3,088.93 as of the time of the filing of the Motion.

IT IS FURTHER ORDERED that all payments to Trinity under this Order for Adequate  
Protection must be paid to Trinity at the following address:

Trinity Financial Services, LLC  
2618 San Miguel Drive  
Suite 303  
Newport Beach, CA 92660

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1 IT IS FURTHER ORDERED that the Debtors must maintain insurance coverage on the  
2 Property and must remain current on all taxes that come due post-petition with regard to the  
3 Property.

4 IT IS FURTHER ORDERED that upon any default in the terms and conditions set forth  
5 above, Trinity must serve written notice of default to the Debtors and the Debtors' attorney, if  
6 any. If the Debtors fail to cure the default within 3 days after service of such written notice,  
7 Trinity may file and serve a declaration under penalty of perjury specifying the default, together  
8 with a proposed order terminating the stay, which the court may grant without further notice or  
9 hearing. Trinity may serve the written notice of default on the Debtors via first class mail and on  
10 Debtors' counsel via email at [SagariaBK@sagarialaw.com](mailto:SagariaBK@sagarialaw.com).

11 IT IS FURTHER ORDERED THAT notwithstanding anything contained in this Adequate  
12 Protection Order to the contrary, the Debtor shall be entitled to a maximum of one notice of default and  
13 opportunities to cure pursuant to the preceding paragraph. Once the Debtor has defaulted one time on  
14 the obligations imposed by this order and has been served with one notice of default, Trinity is relieved  
15 of any obligation to serve additional notices of default or to provide additional opportunities to cure. If  
16 an event of default occurs thereafter, Trinity will be entitled, without further notice of default or  
17 providing the Debtor with an opportunity to cure, to file and serve a declaration under penalty of perjury  
18 setting forth in detail the Debtor's failure to perform under this Order for Adequate Protection, together  
19 with a proposed order terminating the stay, which the Court may enter without further notice or hearing.

20 IT IS FURTHER ORDERED THAT this Order for Adequate Protection is binding only during  
21 the pendency of this bankruptcy case. If, at any time, the stay is terminated with respect to the Property  
22 by order of this Court or by operation of law, this Order for Adequate Protection ceases to be binding  
23 and Trinity may proceed to enforce its remedies under applicable nonbankruptcy law against the  
24 Property.

25 IT IS FURTHER ORDERED THAT if Trinity obtains relief from stay based on Debtor's  
26 defaults under this Adequate Protection Order, the order granting relief will contain a waiver of the  
27 fourteen-day stay provided in FRBP 4001(a)(3).

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1 IT IS FURTHER ORDERED THAT Trinity may accept any and all payments made pursuant  
2 to this order without prejudice to or waiver of any rights or remedies to which Movant would otherwise  
3 have been entitled under applicable nonbankruptcy law.

4 \*\*\* END OF ORDER \*\*\*  
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## Single Order Upload

[17-43008 Fidel Juanitez Lugtu and Lourdes Bondoc Lugtu](#)

**The new document PDF Trinity (LUGTU 17-43008) - Adequate Protection Order.pdf was uploaded successfully on 9/25/2018 at 4:48 PM**

**Order type:** Hearing Held

[17-43008 Fidel Juanitez Lugtu and Lourdes Bondoc Lugtu](#)

**Related document number:** 26

**Related document description:** Motion for Relief From Stay

**Order ID:** [656055](#)

**Hearing date:** 09/19/2018

[Do it again](#)

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**1851 East First Street, Suite 1550, Santa Ana, CA 92705-4067**

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **9/25/18**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Martha G. Bronitsky 13trustee@oak13.com
- Joseph P. Buchman jbuchman@bwsllaw.com, svasquez@bwsllaw.com
- Rafael Ramon Garcia-Salgado rgarcia@bwsllaw.com, bantle@bwsllaw.com
- Arnold L. Graff ecfcab@aldridgepite.com, ALG@ecf.inforuptcy.com
- Armin M. Kolenovic ecfcab@aldridgepite.com, akolenovic@ecf.inforuptcy.com
- Office of the U.S. Trustee/Oak USTPRegion17.OA.ECF@usdoj.gov
- Richard J. Reynolds rreynolds@bwsllaw.com, psoeffner@bwsllaw.com
- Scott J. Sagaria SagariaBK@sagarialaw.com, ecf@sagarialaw.com
- Gilbert R. Yabes ecfcab@aldridgepite.com, GRY@ecf.inforuptcy.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On *(date)* **09/25/18**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**Debtor:**

Fidel Juanitez Lugtu  
37004 Arden St.  
Newark, CA 94560

**Debtor:**

Lourdes Bondoc Lugtu  
37004 Arden St.  
Newark, CA 94560

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

**9/25/18**

*Date*

Bernadette C. Antle

*Printed Name*



*Signature*